

Ms. Gibson PLMI

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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-191951

DATE: August 13, 1980

MATTER OF: James W. Knoch - Relocation ^[Request for] House-hunting
Trip Expenses]

DIGEST: Civilian employee of the Department of the Army made house-hunting trip incident to permanent change of station although such trip was not authorized on travel order by appropriate agency official. Employee is not entitled to reimbursement for expenses incurred based on post approval of trip because lack of advance authorization did not result from administrative error and no verbal authorization was given by responsible official prior to trip.

This action is in response to an appeal by Mr. James W. Knoch, an employee of the Department of the Army, from our Claims Division Settlement Certificate No. Z-2765574, November 15, 1978, disallowing his claim for reimbursement of house-hunting expenses incurred by him in locating a residence at his new duty station in St. Louis, Missouri.

Mr. Knoch's claim for the \$293.18 in question arises in connection with his change of official station from Texarkana, Texas to St. Louis, Missouri, pursuant to orders issued by the Department of the Army on September 13, 1976. Although the orders specified that employees would be entitled to full benefits "including house-hunting expenses and/or temporary subsistence* * * as determined and authorized by the gaining activity," the travel order issued to Mr. Knoch by the Civilian Personnel Office on October 15, 1976, did not authorize house-hunting expenses but instead allowed him temporary quarters subsistence expenses. Mr. Knoch discussed his desire for house-hunting expenses with Department of the Army personnel and was allegedly advised that an appropriate amendment to his travel orders would be issued. On this basis, Mr. Knoch made the house-hunting trip during October 19-22, 1976.

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In March of 1977, the Civilian Personnel Officer approved an amendment to Mr. Knoch's travel order to authorize the trip; one reason given for this approval was that the trip had resulted in reduced cost to the Government. Mr. Knoch's claim for \$293.18 is made pursuant to the amended travel order. His claim was initially disallowed by the Department of the Army and subsequently by our Claims Division. Both disallowances were predicated on the inefficacy of the subsequently amended travel order to provide a basis for payment of house-hunting expenses given the regulatory requirement that house-hunting expenses be expressly authorized in advance. Further, travel orders may not be retroactively amended to increase or decrease an employee's rights or benefits. 54 Comp. Gen. 638 (1975).

Mr. Knoch takes exception to the disallowance of his claim, suggesting that the Department of the Army's failure to supply written authorization prior to his trip constitutes an administrative error which was retroactively corrected by the subsequent amendment to his travel order.

Under the authority of 5 U.S.C. § 5724a(a)(2) (1976) and the applicable provisions of the Federal Travel Regulations (FTR) Chapter 2, Part 4 (May 1973), an employee and spouse may be reimbursed for travel and transportation expenses incurred in travel to seek residence quarters (house-hunting) at a new duty station. However, FTR paragraph 2-4.3c expressly requires advance authorization for such trip as follows:

"C. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and mode of transportation and period of time allowed for the trip, specifies the date for reporting at the new official station, and indicates that the employee has signed the required agreement.* * *"

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Our Office has recognized but two exceptions to this requirement that written authorization precede the house-hunting trip. Raymond B. Shackelford, B-187673, November 21, 1977; Patrick J. Twohig, B-185511, March 3, 1976. The first exception we have recognized occurs where the absence of prior written authorization is the result of administrative error, that is, where the failure of advance authorization does not comport with the specific intent of the appropriate authorizing official. See Shackelford, above. In this case, there is no indication that the lack of advance approval resulted from such an error. Although Mr. Knoch has presented us with a statement made by his supervisor to the effect that "Mr. Knoch was advised to proceed with his plan and that amended orders would be issued," there is no evidence before us which demonstrates that this approval was given by an authorizing official. See B-179449, November 26, 1973. Moreover, the record indicates that the officials who ultimately authorized the expenses based their decision on an after-the-fact determination that the house-hunting trip resulted in reduced cost to the Government. However, reduced cost to the Government alone does not furnish a basis for payment. John A. Orris, 58 Comp. Gen. 652 (1979). See also Twohig.

Under these circumstances, we cannot conclude that the officials vested with authority to amend Mr. Knoch's travel order specifically intended to authorize his house-hunting expenses before they were incurred.

The second exception to the requirement that written authorization precede a house-hunting trip is the situation where the subsequent written expression of authorization merely affirms prior verbal or other informal authority for the trip granted by an appropriate authorizing official. Georgie M. Bond, B-192440, September 29, 1978; Twohig, above. Since we are unable to determine that Mr. Knoch was verbally authorized to make the trip by a responsible official, we cannot conclude that the post-trip authorization was a "mere affirmation" of prior informal approval.

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Upon review, the disallowance in the settlement of November 15, 1978, is sustained.

Milton J. Aroslan

For The Comptroller General
of the United States